

REMARKS/ARGUMENTS

The Applicant has filed the present Response pursuant to 37 C.F.R. § 1.111 in reply to the outstanding Official Action of October 7, 2003, and the Applicant believes the Response to be fully responsive to the Official Action for the reasons set forth below.

In the present Official Action, the Examiner rejected Claims 1-44 pursuant to 35 U.S.C. § 103(a), as allegedly unpatentable over Abu-Hakima (U.S. Patent No. 6,499,021) in view of Mehr, *et al.* (U.S. Patent No. 6,438,547) (hereinafter "Mehr").

The Applicant respectfully disagrees with the Examiner's allegations regarding the rejection pursuant to 35 U.S.C. § 103(a), and as a consequence, the Applicant proffers the following arguments to traverse the rejection.

The Court of Appeals for the Federal Circuit has held in In re Fritch 972 F.2d 1260, 1266 (Fed. Cir. 1992) with regard to 35 U.S.C. §103(a) obviousness rejections that, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification" (emphasis added). The annunciated principle requires that the prior art suggest modifying the teachings of the references so as to produce the claimed invention. Id. At the time the invention is made, there must be reason apparent to a skilled artisan for applying the teachings of the reference or else the use of such

teachings will be improper hindsight. In re Noyima, 184 USPQ 607 (C.C.P.A. 1975).

Additionally, the Examiner cannot establish obviousness by locating references, which describe various aspects of an invention without also providing evidence of the motivating force, which would impel the skilled artisan to do what the applicant has done. Ex Parte Levengood, 28 USPQ 2d 1330, 1302 (Bd. Pt. App. & Int'f. 1993).

In traversing the rejection of the independent Claims 1, 15 and 31 pursuant to 35 U.S.C. § 103(a), the Applicant respectfully submits the Abu-Hakima-Mehr combination is defective in that it fails to teach or suggest a method (system and program storage device storing a program of instructions) for navigating between programs, as particularly recited in the independent Claims 1, 15 and 31. The primary prior art reference to Abu-Hakima is directed to an apparatus and method for interpreting and managing electronic messages. More specifically, Abu-Hakima teaches interpreting and selectively forwarding an interpreted message derived from a user's received electronic message, such as e-mail, fax, converted voice and pager message, to a mobile communications device of the user. Abu-Hakima teaches navigation through a structured knowledge base using the content of the received e-message and determines key term(s) relating to the content as a result of such navigating.

The Examiner alleged that Abu-Hakima (at Col. 2, lines 4-9 and 35-39) teaches navigation between programs, as recited in Claims 1, 15 and 31. The Applicant respectfully disagrees. To the contrary of the Examiner's allegation, Abu-Hakima at the cited Col. 2 teaches navigation through a structure knowledge base, not navigation

between programs (See Abu-Hakima Col. 2, lines 4-7). The Applicant respectfully submits a “knowledge base” is term of art that is totally disparate and distinct from the “program” term of art. A knowledge base is not a program. Thus, Abu-Hakima’s navigation through the knowledge base does not teach or suggest the claimed navigation between programs. The Examiner further alleged that Abu-Hakima (at Col. 3, lines 37-43) teaches navigation between programs capable of being instantiated, as recited in Claims 1, 15 and 31. The Applicant further respectfully disagrees. To the contrary of the Examiner’s allegation, Abu-Hakima at the cited Col. 3, lines 37-43 does not teach instantiation of a program to form a program instance. Instead, Abu-Hakima teaches components 115-125 (databases, knowledge bases) can either be separate from the system 200 or included in the system 200 (See Abu-Hakima Col. 3, lines 40-43). As can be readily seen, databases and knowledge bases are repositories of data, and therefore, cannot and do not teach or suggest programs that are capable of instantiation.

The Examiner alleged that Abu-Hakima (at Col. 3, lines 46-54; Fig. 1, elements 10-70) teaches embedding an enabling engine in an origin program and instantiating the origin program (program instance). The Applicant respectfully disagrees. Abu-Hakima teaches agents 10-70 within its system 200. Abu-Hakima defines an “agent” as a segment of computer software which can be autonomous and/or mobile, is implemented as a component or object, has a state and is able to interact with its environment (See Abu-Hakima Col. 3, 46-51). The Applicant respectfully submits that an “agent” is a term of art that is completely distinct and disparate from the embedding of an “enabling engine” in a program. More specifically, Abu-Hakima’s

agent is an autonomous and/or mobile entity within the system 200 and the agent is not shown nor described as being embedded into any program. However, to the contrary of Abu-Hakima agents, the recited enabling engine is embedded into a program. For example, the present specification on pages 22-24 with reference to Figs. 12 and 14, describes the embedding of the enabling engine into a program.

The Examiner further alleged that Abu-Hakima (at Col. 4, lines 14-26) teaches invoking of the enabling engine for the origin program instance. The Applicant respectfully disagrees. Abu-Hakima teaches that its extractor 100 works in conjunction with agent 18 within its system 200 to process an e-message to check its contents. The extractor 100 and the agent 18 are components within Abu-Hakima's system 200; however because neither one is embedded in a program they are not invoked for the origin program instance. Once again, the extractor 100 and the agent 18 are separate entities in Abu-Hakima's system 200. Furthermore, the Examiner has not alleged that Abu-Hakima instantiates the origin program (origin program instance). The agents and other components are separate entities of the Abu-Hakima's system 200 and therefore they are not instances of an origin program.

The Examiner further alleged that Abu-Hakima (at Col. 7, lines 25-58 and Col. 8, lines 38-58) teaches interrogating a rule base and retrieving one or more conditions associated with the origin program instance. The Applicant respectfully disagrees. At the cited Col. 7, Abu-Hakima determines urgency of the e-message to be forwarded by querying the e-message. Furthermore, at the cited Col. 8, Abu-Hakima

interfaces the user preferences knowledge base 120 through tool 110, which enters user-directed information into knowledge objects for user contacts, projects, organizations. A user is then able to test system 200 via explanation agent 50 to test what actions would be taken by the system under user-specified conditions. Abu-Hakima's user-directed information in knowledge base 120 and possible actions to be taken by the system under user-specified conditions are associated with forwarding the e-message. More specifically, neither the user-directed information nor the possible actions under user-specified certain conditions are associated with the origin program instance; rather as mentioned above they are associated with the e-message.

The Examiner alleged that Abu-Hakima (at Col. 8, line 57 – Col. 9, line 17; Col. 9, line 66 – Col. 10, line 12) teaches utilizing the conditions to query and evaluate data managed by the origin program instance. The Applicant respectfully disagrees. The columns cited by the Examiner within Abu-Hakima recite different agents collaborating with different databases and knowledge databases to manage e-messages within the system 200. However, these columns do not teach or suggest utilizing the conditions to query and evaluate data managed by the origin program instance. The Applicant respectfully submits that the Examiner has not proven an origin program being instantiated, forming an origin program instance. As mentioned, above Abu-Hakima's system 200 is comprised of agents and does not teach or suggest an origin program instance. The Applicant points the Examiner's attention to the present invention's Fig. 14, which depicts the environment of the present invention. For example, as described in the specification on page 24, lines 2-30 with reference to Fig. 14, an origin program

instance 1420 manages its own data 1422 and utilizing the conditions obtained from the rule-base 1302 that is outside the program instance, queries and evaluates its own data 1422 to enable navigation to another program, such as, program 1424, for example. The Applicant respectfully submits that Abu-Hakima does not teach or suggest such an environment as depicted in Fig. 14 and further does not teach or suggest utilizing the conditions obtained from interrogating a rule base to query data managed by the origin program instance. As argued above, Abu-Hakima is directed to forwarding an e-message and navigating through a structured knowledge base using the content of the received e-message utilizing a combination of agents and databases/knowledge bases.

Lastly, the Examiner alleged that Abu-Hakima (at Col. 9, lines 10-17; and Col. 10, lines 37-40) teaches utilizing results of the evaluation, but does not teach displaying navigation paths via graphical display. The Examiner cited the secondary prior art reference to Mehr for this limitation. The Applicant respectfully submits the Abu-Hakima-Mehr combination fails to teach or suggest establishing navigations paths by utilizing results of the evaluation and displaying the navigations paths, as particularly recited in Claims 1, 15 and 31. More specifically, the Examiner only alleged that Abu-Hakima utilizes results of the evaluation. However, the Examiner did not allege and the Applicant further respectfully submits that Abu-Hakima does not teach or suggest establishing navigation paths (to navigate between programs) utilizing the results of evaluating the data managed by the origin program instance. Furthermore, the secondary prior art reference to Mehr does not rectify this deficiency. Mehr is directed to a computer-readable data product for managing sales information. At Col. 9, lines 26-38,

Mehr teaches a graphical user interface 1200 for navigating through a hierarchy of instances of data objects based on user-selected view. However, just like Abu-Hakima, Mehr does not teach or suggest establishing navigation paths utilizing the results of evaluating the data managed by the origin program instance. In addition, Mehr teaches navigation through a hierarchy of instances of data objects, not navigation between programs. The Applicant respectfully submits that a data object is not a program, and navigation between data objects is not navigation between programs.

Consequently, the Applicant respectfully submits that the Abu-Hakima-Mehr fails to teach or suggest a method (system and program storage device storing a program of instructions) for navigating between programs, as particularly recited in the independent Claims 1, 15 and 31.

In view of the foregoing, the Applicant respectfully requests the Examiner to withdraw the rejection of the independent Claims 1, 15 and 31 pursuant to 35 U.S.C. § 103(a). Furthermore, the Applicant respectfully requests the Examiner to withdraw the rejection of the dependent Claims 2-14, 16-30 and 32-44, based at least on their respective dependencies, whether direct or indirect, from the independent Claims 1, 15 and 31.

In sum, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the allowance of the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully request that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long horizontal flourish extending to the right.

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